

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Crl.Misc.No.2462-M of 2005 (O&M)

Date of Decision:- 18.1.2007

Kailash Kumari

....Petitioner(s)

through
Dr.Surya Parkash, Advocate

vs.

State of Punjab

....Respondent(s)

through
Mr.B.S.Baath, AAG, Punjab.

CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

SURYA KANT, J.

The prayer in this petition is for quashing of F.I.R.No.62 dated 3.7.2004 under Section 448/420/120-B IPC registered at Police Station Bhogpur, District Jalandhar.

Various contentions have been raised in support of the relief sought in this petition.

After hearing learned counsel for the petitioner as well as the learned State counsel and having regard to the fact that several disputed questions of fact are required to be gone into before any firm view, in relation to involvement and/or innocence of the petitioner regarding commission of the alleged offence, can be formed and also having regard to the fact that the petitioner has an effective alternative remedy to raise all these issues before the trial Court at the time of framing of the charges, moreso when report under Section 173 Cr.P.C. has already been presented, this petition is disposed of with the following directions:-

- (i) the petitioner shall be at liberty to raise all the pleas
before the trial Court at an appropriate stage and the

same shall be gone into in accordance with law.

(ii)The petitioner, if so desires, may move an application before the trial Court to grant her exemption from personal appearance especially when she has to travel all the way from Solan and if any such application is moved by her, the learned trial Court is directed to grant her exemption from personal appearance, however subject to the following conditions that :-

- (a) she shall be represented by a counsel before learned Judicial Magistrate;
- (b) she shall not dispute her identity as an accused;
- (c) she shall have no objection if the evidence is recorded in her absence;
- (d) she shall come present before the learned trial Court as and when required; and
- (e) she shall comply with any other condition (s) that may be imposed by the learned trial Court.

January 18, 2007
poonam

(SURYA KANT)
JUDGE